



(4) The defendant indicated that no objections would be filed to the Magistrate Judge's Report and Recommendation;

**AND, IT FURTHER APPEARING THAT:**

(5) If no objections are filed to a Magistrate Judge's Report and Recommendation, the plaintiff is not statutorily entitled to a de novo review of his claims. 28 U.S.C.A. 636(b)(1)(C); Thomas v. Arn, 474 U.S. 140, 150-53, 106 S.Ct. 466 (1985). Nonetheless, the usual practice of the district court is to give "reasoned consideration" to a magistrate judge's report prior to adopting it. Henderson v. Carlson, 812 F.2d 874, 878 (3d Cir. 1987);

(6) Having examined the Magistrate Judge's Report and Recommendation, we agree with the Magistrate Judge's conclusions regarding the disposition of this action;

**ACCORDINGLY, IT IS HEREBY ORDERED THAT:**

(1) The Report and Recommendation of Magistrate Judge Malachy E. Mannion filed July 14, 2008 (Document 14) is **ADOPTED**.

(2) The above-captioned action is **REMANDED** to the Commissioner for further consideration consistent with the Magistrate Judge's Report and Recommendation of July 14, 2008; and

(3) The Clerk of Court is directed to forward a copy of this Memorandum and Order to the Magistrate Judge.

***s/Edwin M. Kosik***  
United States District Judge